

1 STEFANIE T. SHARP, ESQ.  
2 Nevada Bar No. 8661  
**ROBISON, BELAUSTEGUI, SHARP & LOW**  
3 71 Washington Street  
Reno, Nevada 89503  
4 Tel: 775-329-3151  
Fax: 775-329-7941  
5 E-mail: ssharp@rbsllaw.com

6 *Attorneys for William McGrane*

7  
8 **UNITED STATES BANKRUPTCY COURT**  
**DISTRICT OF NEVADA**

9 IN RE:

10  
11 ANTHONY THOMAS and  
WENDI THOMAS,

12  
13  
14  
15  
16  
17  
18  
19  
Debtors.

Case No. BK-N-14-50333-btb  
Chapter 11

**NOTICE OF REFUSAL OF**  
**AMERICAN ARBITRATION**  
**ASSOCIATION TO COMPLY WITH**  
**COURT ORDER AND EX PARTE**  
**REQUEST FOR COURT TO ISSUE**  
**ORDER TO THE AMERICAN**  
**ARBITRATION ASSOCIATION TO**  
**APPEAR AND SHOW CAUSE FOR**  
**ITS FAILURE TO COMPLY WITH**  
**AN ORDER OF THIS COURT**

Hearing Date: N/A – Ex Parte  
Time: N/A – Ex Parte  
Set By: N/A – Ex Parte

20 TO THIS HONORABLE COURT please take notice that the American Arbitration  
21 Association (AAA) has refused to obey and honor the Order Approving Stipulation For Comfort  
22 Order That Automatic Stay Does Not Apply To Litigation Filed by Debtor Anthony Thomas Pre-  
23 Petition [California State Court Litigation], Dkt. 45, (the “Order”) which this Court entered in  
24 the above-entitled action on April 11, 2014.

25  
26 The Order confirms that there is no stay in effect with respect to the California State  
27 Court Action (as defined in the Order). AAA was provided with a copy of the Order and the  
28

1 associated Stipulation For Comfort Order That Automatic Stay Does Not Apply To Litigation  
 2 Filed By Debtor Anthony Thomas Pre-Petition [California State Court Litigation], Dkt. 43,  
 3 executed by the undersigned as counsel for Mr. McGrane and Ms. Estes as counsel for the  
 4 Debtors, Anthony Thomas and Wendi Thomas. AAA refuses to proceed with the arbitration  
 5 proceeding in the California State Court Action, contending that the automatic stay precludes it  
 6 from doing so. *See*, Declaration of Stefanie T. Sharp, Esq. filed in support of this application.  
 7

8 Therefore, the undersigned as counsel for, and on behalf of, William McGrane  
 9 respectfully requests that this Court issue an Order to Show Cause to AAA ordering it to appear  
 10 and so cause for its failure to honor and comply with the Order. A proposed Order to Show  
 11 Cause is attached hereto as Exhibit A.  
 12

13 The undersigned counsel for William McGrane has also caused a copy of this notice and  
 14 application and the associated supporting Declaration of Stefanie T. Sharp, Esq. to be served on  
 15 AAA. *See*, Certificates of Service attached hereto and to the Declaration of Stefanie T. Sharp  
 16 filed in support hereof.  
 17

DATED this 20<sup>th</sup> day of June, 2014.

19 ROBISON, BELAUSTEGUI, SHARP & LOW  
 20 A Professional Corporation  
 21 71 Washington Street  
 22 Reno, Nevada 89503  
 23

By: /s/ Stefanie T. Sharp  
 24 Stefanie T. Sharp, Esq.  
 25 Counsel for William McGrane  
 26  
 27  
 28

**Exhibit A**  
**Proposed Order to Show Cause**

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

Robison, Belaustegui,  
Sharp & Low  
71 Washington St.  
Reno, NV 89503  
(775) 329-3151

1 STEFANIE T. SHARP, ESQ.  
2 Nevada Bar No. 8661  
**ROBISON, BELAUSTEGUI, SHARP & LOW**  
3 71 Washington Street  
Reno, Nevada 89503  
4 Tel: 775-329-3151  
Fax: 775-329-7941  
5 E-mail: ssharp@rbsllaw.com

6 *Attorneys for William McGrane*

7  
8 **UNITED STATES BANKRUPTCY COURT**  
**DISTRICT OF NEVADA**

9 IN RE:

10 ANTHONY THOMAS and  
11 WENDI THOMAS,

12 Debtors.

13 Case No. BK-N-14-50333-btb  
Chapter 11

14  
15 **ORDER TO ARBITRATION**  
**ASSOCIATION TO SHOW CAUSE**  
**FOR ITS FAILURE TO COMPLY**  
**WITH COURT ORDER**

16 Hearing Date: \_\_\_\_\_, 2014

Time: \_\_\_\_\_

Set By: \_\_\_\_\_

17 Upon the *Notice of Refusal Of American Arbitration Association To Comply With Court*  
18 *Order And Ex Parte Request For Court To Issue Order To The American Arbitration Association*  
19 *To Appear And Show Cause For Its Failure To Comply With An Order Of This Court*, Dkt. \_\_\_,  
20 and the Declaration of Stefanie T. Sharp in support thereof, Dkt. \_\_\_, filed by William  
21 McGrane by and through his counsel Robison, Belaustegui, Sharp & Low, and good cause  
22 appearing,

23  
24 **IT IS HEREBY ORDERED** that:

25 1. The American Arbitration Association (“AAA”) is hereby ordered to appear and  
26 show cause for its failure to comply with the Order Approving Stipulation For Comfort Order  
27 That Automatic Stay Does Not Apply To Litigation Filed By Debtor Anthony Thomas Pre-

1 Petition [California State Court Litigation], Dkt. 45, (the "Order"), at \_\_\_\_\_  
2 a.m./p.m. at the U.S. Bankruptcy Court, 300 Booth Street, Reno, Nevada, 89509.

3       2. The date for filing any response to the *Notice of Refusal Of American Arbitration*  
4 *Association To Comply With Court Order And Ex Parte Request For Court To Issue Order To*  
5 *The American Arbitration Association To Appear And Show Cause For Its Failure To Comply*  
6 *With An Order Of This Court* shall be \_\_\_\_\_.

7       3. The date for filing any reply to any response shall be \_\_\_\_\_.

8       4. The date by which service of this Order shall be completed is

9       \_\_\_\_\_. AAA shall be served by mail and email as follows:

10      By Mail To:

11      American Arbitration Association  
12      6795 N. Palm Ave. 2nd Floor  
13      Fresno, California 93704  
14      Attn: Jeffrey Garcia, Vice President

15      By Email To:

16      Jeffrey Garcia, Vice President - JeffreyGarcia@adr.org

17      Submitted By:

18      ROBISON, BELAUSTEGUI, SHARP & LOW  
19      a Professional Corporation  
20      71 Washington Street  
21      Reno, Nevada 89503

22      By: /s/ Stefanie T. Sharp

23      Stefanie T. Sharp  
Counsel for William McGrane

24      #####

**CERTIFICATE OF SERVICE**

I served a true and correct copy of the within **NOTICE OF REFUSAL OF**  
**AMERICAN ARBITRATION ASSOCIATION TO COMPLY WITH COURT ORDER**  
**AND EX PARTE REQUEST FOR COURT TO ISSUE ORDER TO THE AMERICAN**  
**ARBITRATION ASSOCIATION TO APPEAR AND SHOW CAUSE FOR ITS FAILURE**  
**TO COMPLY WITH AN ORDER OF THIS COURT** on June 20, 2014, by the following  
means to the persons as listed below:

Electronically pursuant to the Court's ECF System to:

KEVIN A. DARBY on behalf of Creditor FM HOLDINGS  
[kevin@darbylawpractice.com](mailto:kevin@darbylawpractice.com), [alecia@darbylawpractice.com](mailto:alecia@darbylawpractice.com);  
[sarah@darbylawpractice.com](mailto:sarah@darbylawpractice.com); [itati@darbylawpractice.com](mailto:itati@darbylawpractice.com);  
[tricia@darbylawpractice.com](mailto:tricia@darbylawpractice.com)

KEVIN A. DARBY on behalf of Creditor MARKET LINK INC.  
[kevin@darbylawpractice.com](mailto:kevin@darbylawpractice.com), [alecia@darbylawpractice.com](mailto:alecia@darbylawpractice.com);  
[sarah@darbylawpractice.com](mailto:sarah@darbylawpractice.com); [itati@darbylawpractice.com](mailto:itati@darbylawpractice.com);  
[tricia@darbylawpractice.com](mailto:tricia@darbylawpractice.com)

KEVIN A. DARBY on behalf of Creditor JERRY FERRARA  
[kevin@darbylawpractice.com](mailto:kevin@darbylawpractice.com), [alecia@darbylawpractice.com](mailto:alecia@darbylawpractice.com);  
[sarah@darbylawpractice.com](mailto:sarah@darbylawpractice.com); [itati@darbylawpractice.com](mailto:itati@darbylawpractice.com);  
[tricia@darbylawpractice.com](mailto:tricia@darbylawpractice.com)

KEVIN A. DARBY on behalf of Creditor TODD ARMSTRONG  
[kevin@darbylawpractice.com](mailto:kevin@darbylawpractice.com), [alecia@darbylawpractice.com](mailto:alecia@darbylawpractice.com);  
[sarah@darbylawpractice.com](mailto:sarah@darbylawpractice.com); [itati@darbylawpractice.com](mailto:itati@darbylawpractice.com);  
[tricia@darbylawpractice.com](mailto:tricia@darbylawpractice.com)

KEVIN A. DARBY on behalf of Interested Party KIT MORRISON  
[kevin@darbylawpractice.com](mailto:kevin@darbylawpractice.com), [alecia@darbylawpractice.com](mailto:alecia@darbylawpractice.com);  
[sarah@darbylawpractice.com](mailto:sarah@darbylawpractice.com); [itati@darbylawpractice.com](mailto:itati@darbylawpractice.com);  
[tricia@darbylawpractice.com](mailto:tricia@darbylawpractice.com)

TIMOTHY A LUKAS on behalf of Creditor BEACH LIVING TRUST JOHN BEACH,  
AS TRUSTEE  
[ecflukast@hollandhart.com](mailto:ecflukast@hollandhart.com)

1 WAYNE A. SILVER on behalf of Creditor KENMARK VENTURES, LLC  
2 w\_silver@sbcglobal.net, ws@waynesilverlaw.com

3 WAYNE A. SILVER on behalf of Plaintiff KENMARK VENTURES, LLC  
4 w\_silver@sbcglobal.net, ws@waynesilverlaw.com

5 ALAN R SMITH on behalf of Debtor AT EMERALD, LLC  
6 mail@asmithlaw.com

7 ALAN R SMITH on behalf of Debtor ANTHONY THOMAS  
8 mail@asmithlaw.com

9 ALAN R SMITH on behalf of Jnt Admin Debtor AT EMERALD, LLC  
10 mail@asmithlaw.com

11 ALAN R SMITH on behalf of Joint Debtor WENDI THOMAS  
12 mail@asmithlaw.com

13 AMY N. TIRRE on behalf of Creditor KENMARK VENTURES, LLC  
14 amy@amyfirrelaw.com, admin@amyfirrelaw.com

15 AMY N. TIRRE on behalf of Plaintiff KENMARK VENTURES, LLC  
16 amy@amyfirrelaw.com, admin@amyfirrelaw.com

17 U.S. TRUSTEE - RN - 11  
18 USTPRegion17.RE.ECF@usdoj.gov

19 X United States Mail, postage prepared to:

20 American Arbitration Association  
21 6795 N. Palm Ave. 2nd Floor  
22 Fresno, California 93704  
23 Attn: Jeffrey Garcia, Vice President

24 X By Email to:  
25 Jeffrey Garcia, Vice President - JeffreyGarcia@adr.org

26 DATED: June 20, 2014.

  
CLAUDIA ZAEHRINGER